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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
KENNETH JOHN GULICK,  
Defendant.

Criminal No. CR 05-00435 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME**

The above-captioned matter came before the Court on August 18, 2005 for trial setting. The defendant was represented by David Fermino and the government was represented by Jeffrey Finigan, Assistant United States Attorney. The case was set for trial on November 7, 2005 beginning at 8:30 a.m. and the pretrial conference was set for October 17, 2005 at 2:00 p.m.

Time was excluded in this case from the initial appearance on the indictment through August 11, 2005. Pursuant to 18 U.S.C. § 3161(c)(1), 70 days from August 11, 2005 is October

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20, 2005. Due to the unavailability of defense counsel, Mr. Fermino, for three weeks in September 2005, the Court made a finding on the record that twenty-one (21) days should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), because the ends of justice served by taking such action outweighed the best interest of the public and the defendant in a speedy trial. That finding was based on the need for the defendant to have reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and for continuity of counsel pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv). That finding results in the trial date of November 7, 2005 being within the required time limits of 18 U.S.C. § 3161(c)(1).

The parties hereby agree to and request that the case be continued until November 7, 2005 and that the aforementioned exclusion of time be granted. The parties agree and stipulate that the additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(8)(A), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively prepare, taking into account the exercise of due diligence, and will provide for continuity of counsel for the defendant.

DATED: 8/18/05

/s/  
DAVID FERMINO  
Counsel for Kenneth John Gulick

DATED: 8/18/05

/s/  
JEFFREY FINIGAN  
Assistant U.S. Attorney

So ordered.

DATED: August 19, 2005

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE

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